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#5

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Inventor(s):</b>	Brucker et al.
<b>Title:</b>	BIFURCATED STENT AND DELIVERY SYSTEM
<b>I.A. Filing Date:</b>	February 26, 2002
<b>Ser. No.</b>	10/083,711

Attorney's Docket No. S63.2-10306

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OFFICE OF PETITIONS

**Petition Under 37 CFR §1.47(b)**

**For U.S. Patent Application Wherein the Inventor Refuses to Sign**

Scimed Life Systems, Inc. hereby requests that the United States Patent and Trademark Office accept the enclosed Declaration(s) of Inventorship under 37 C.F.R. 1.63, wherein Enrique Malaret, a co-inventor of U.S. Application 10/083,711, refuses to sign a Declaration despite Mr. Malaret's written agreement to assist Scimed in filing patent applications. As a result, the above referenced Application is made on behalf of Mr. Malaret by the available co-inventors: Todd Hall, David Byrd, Gerald Hubbs, Greg Furnish, Josh Barber, Indaka Gunasekara, Ben Morris, Valerie Futral, Sava A. Chemomordik, William C. Mers Kelly, William A. Reuss, Jr., Simon Furnish, Michael A. Wilson, Gregory Brucker, Hacene Bouadi, John C. Muskivitch, Matthew Pease, David Rahdert, Travis Rowe, Gregory Ruhf, Brandon Walsh, Claude Vidal, Russ Redmond, and Thomas Banks as indicated on the enclosed Declaration(s).

Enclosed with this petition is:

- a) Declaration(s) of Inventorship signed under 37 C.F.R. §1.63 by the above referenced available co-inventors.

07/15/2002 AWONDAF1 00000076 10083711

01 FC:122

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00000001

12/05/2002 HLE555

01 FC:1251

110.00 CH

740.00 CH

84.00 CH

396.00 CH

130.00 CH

02 FC:1001

03 FC:1201

04 FC:1202

05 FC:1051

PETITION UNDER 37 C.F.R §1.47(b)

b) Assignments signed by the above referenced available co-inventors, assigning their respective rights, title and interest in the above referenced patent application to Scimed Life Systems Inc.,

c) a Declaration of Facts in Support of Filing on Behalf of Omitted Inventor Enrique Malaret,

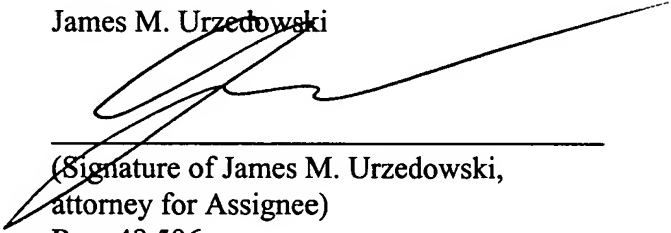
d) a Power of Attorney from Assignee (Scimed Life Systems Inc.) appointing all practitioners of Customer No. 490, including James M. Urzedowski, to act on their behalf, and

e) the petition fee of \$130.00 required by 37 C.F.R. 1.17(h).

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0350.

Date: 

James M. Urzedowski

  
(Signature of James M. Urzedowski,  
attorney for Assignee)  
Reg. 48,596



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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Inventor(s):</b>	Brucker et al.
<b>Title:</b>	BIFURCATED STENT AND DELIVERY SYSTEM
<b>I.A. Filing Date:</b>	February 26, 2002
<b>Ser. No.</b>	10/083,711

**Attorney's Docket No. S63.2-10306**

**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor  
(37 CFR 1.47(b))**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the assignee's attorney having knowledge of the facts recited herein.

**Identification Of Person Making This Declaration Of Facts**

Name of declarant: James M. Urzedowski  
Address of declarant: Vidas, Arrett & Steinkraus, P.A.  
6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343  
Title of declarant: Attorney

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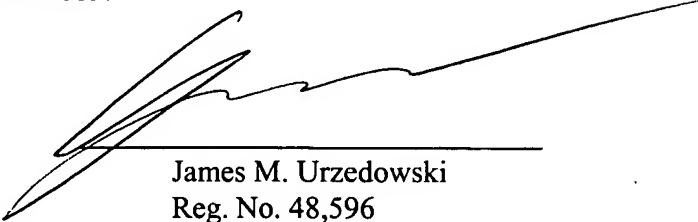
**Last Known Address Of The Omitted Inventor**

Name of omitted inventor: Enrique Malaret  
Last known address: 4935 Balsam Lane North  
Plymouth, MN. 55442

**Details Of Efforts To Reach Omitted Inventor**

1. The omitted inventor, Enrique Malaret, signed a Consulting Agreement with Assignee Boston Scientific, Scimed, Inc, (Scimed Life Systems Inc.), on December 20, 2000, wherein Mr. Malaret acknowledged that he would aid the Assignee in filing patents or obtaining other protection on any ideas, inventions, improvements or suggestions arising from his performance as a consultant to the Assignee.
2. The subject matter of the above identified Application as well as related Applications 10/084,766 and 10/083,707 arose in part from Mr. Malaret's performance as a consultant during the term of the Consulting Agreement.
3. Following the filing of the present Application, I received a Notice to File Missing Parts under 37 CFR 1.53(b) mailed April 3, 2002 requiring the declaration of the inventors by June 3, 2002, or later with a petition for extension pursuant to 37 CFR 1.136(a).
4. On May 1, 2002 I sent a letter to Mr. Malaret requesting that he sign the Declaration and Assignment that I had included therewith. Upon hearing no response by the date I had requested, I sent Mr. Malaret follow-up letters on May 23, 2002, and June 4, 2002.
5. Shortly after the letter of June 4th was sent by certified mail, I was notified by an attorney who claimed to represent Mr. Malaret that due to an existing disagreement between Mr. Malaret and the Assignee, Mr. Malaret was refusing to sign the Declaration or Assignment.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 6/28/02

  
James M. Urzedowski  
Reg. No. 48,596

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## UTILITY/DESIGN PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Gregory G. Brucker et al
Title:	BIFURCATED STENT AND DELIVERY SYSTEM
Filed:	on 2/26/2002 and assigned Serial No. 10/083711

Commissioner for Patents  
Washington, DC 20231

Docket No: S63.2-10306

## POWER OF ATTORNEY FROM ASSIGNEE

As assignee of record of the entire interest of the above identified patent application, hereby appoint all practitioners of **Customer No. 490** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I hereby authorize them to act and rely on instructions from, and to communicate directly with, the firm or person which sent this case to Vidas, Arrett & Steinkraus, P.A., unless or until I instruct Vidas, Arrett & Steinkraus P.A., in writing to the contrary.

Address all correspondence to James M. Urzedowski at Customer Number 490.Dated this 28th day of June, 2002.

(Company Name)

SCIMED LIFE SYSTEMS, INC.

(Signature)  
(typed name)

By:

Albert R. Kau, Patent Counsel

(Title)

Its:

Assistant Secretary

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application f:	BRUCKER ET AL
Application No.	10/083711
Filed:	February 26, 2002
For:	BIFURCATED STENT AND DELIVERY SYSTEM
Examiner:	
Group Art Unit:	3738

*Stamp: OIPE JUL 09 2002 PATENT & TRADEMARK OFFICE*

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Commissioner for Patent  
Washington, D.C. 20231

Docket No.: S63.2-10306

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:  
**Petition Under 37 CFR 1.47(b) For US Patent Application Wherein the Inventor Refuses to Sign; Declaration of Facts in Support of Filing on Behalf of Omitted Inventor; 4 Declarations and photocopies of 3 Assignments; VAS Transmittal Letter; Power of Atty and Postcard.**
2. With respect to fees:  
No additional fee is required.  
☒ Attached is check(s) in the amount of \$130.00  
☒ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

**TRANSMITTAL LETTER**  
**DOCKET NO.: S63.2-10306**  
**Application No.: 10/083711**

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VIDAS, ARRETT & STEINKRAUS

Date: June 28, 2002

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

James M. Urzedowski  
Registration No. 48,596

**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to BOX , Commissioner for Patents, Washington D.C. 20231, on June 28, 2002.

  
Julie K. Emerson

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**JUL 22 2002**

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